

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SABRINA KELLY,

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.,

Defendant.

CASE NO. C24-5674 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's Report and Recommendation (R&R), Dkt. 3, recommending the Court dismiss this action without prejudice. Judge Leupold declined to grant pro se plaintiff Sabrina Kelly's application to proceed *in forma pauperis*, supported by her proposed complaint, Dkt. 1, and instead concluded that, in order to state a plausible claim, she had to file an amended complaint. He ordered her to do so by September 20, 2024. Dkt. 3. Kelly did not file a proposed amended complaint.

A district judge must determine de novo any part of a magistrate judge's proposed disposition *to which a party has properly objected*. It must modify or set aside any

1 portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The
2 district judge may accept, reject, or modify the recommended disposition; receive further
3 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
4 72(b)(3). A proper objection requires “specific written objections to the proposed
5 findings and recommendations” in the R&R. Fed. R. Civ. P. 72(b)(2).

6 Kelly has not objected to the R&R, and it is not clearly erroneous or contrary to
7 law. The R&R is **ADOPTED**, Kelly’s application to proceed *in forma pauperis* is
8 **DENIED**, and this case is **DISMISSED** without prejudice and without leave to amend.

9 The Clerk shall enter a **JUDGMENT** and close the case.

10 **IT IS SO ORDERED.**

11 Dated this 22nd day of October, 2024.

12
13 

14 BENJAMIN H. SETTLE
15 United States District Judge
16
17
18
19
20
21
22